



Ucore

November 3, 2008

Mr. S. Daniel Carter  
Senior Vice President  
Security on Campus, Inc.  
7505 Granda Drive  
Knoxville, TN 37909-1730

**Certified Mail**  
**Return Receipt Requested**  
7005 1160 0001 1518 7094


Dear Mr. Carter:

This letter is in response to the complaint that Security on Campus, Inc. (SOC) filed with the U.S. Department of Education regarding the policies of the University of Virginia (the University; UVA). The complaint alleged that UVA's policies and practices regarding the disclosure of outcomes reached and sanctions imposed by the Sexual Assault Board violated key provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

We have carefully reviewed your complaint, supplemental materials provided by the complainants, and the University's response. After an extensive review, we have determined that the University of Virginia violated 34 C.F.R. § 668.46 (b)(11)(vi)(B) by requiring survivors of alleged sexual assaults to abide by a confidentiality policy that is inconsistent with the letter and spirit of the Clery Act and the Federal Education Rights and Privacy Act (FERPA). We are informing UVA of our Final Determination in this matter and will require that all necessary policy changes be made to bring the school into compliance with the Clery Act going forward. In fact, UVA has already initiated several policy changes in this regard.

At the beginning of our review, UVA contended that its confidentiality policies and practices regarding disciplinary proceedings were consistent with FERPA even as it appointed working groups to review and revise these rules. We note that while institutions are given some discretion under FERPA, this flexibility does not preempt the Clery Act obligation to ensure that parties in a campus disciplinary action involving an alleged sexual assault are informed of the outcomes reached and sanctions imposed as a result of said proceeding. An institution's obligation under FERPA to ensure that the recipient of this information does not re-disclose this information does not limit its affirmative obligation under the Clery Act. This Clery Act provision was enacted after FERPA and is not conditioned on compliance with the non-disclosure requirement in FERPA. Our approach in this case follows the same analysis that applied in another case, which was also brought to our attention by SOC.

School Participation Team NE--Philadelphia  
The Wanamaker Building  
100 Penn Square East Suite 511  
Philadelphia, PA 19107-3323

FEDERAL STUDENT AID  START HERE. GO FURTHER.

Please advise your client of our findings. Thank you for notifying us of your concern and for your cooperation and patience throughout our review. If you have questions, please contact Mr. James Moore on (215) 656-6495.

Sincerely,

A handwritten signature in cursive script, reading "Nancy Paula Gifford".

Nancy Paula Gifford  
Area Case Director

---

cc:

Two lines of text that have been completely redacted with black ink.